

REMARKS

Claims 28 and 29 are amended to correct typographical errors, and claims 1, 3-6, 23-29 remain for consideration. All claims are thought to be patentable over the cited art.

The Office Action fails to establish that claims 1, 4-6, and 23-29 are unpatentable under 35 USC §103(a) over “Jenkins” (US patent number 6,264,104 to Jenkins et al.) in view of “White” (US patent number 6,543,684 to White et al.) in further view of “Cook” (US patent number 6,675,153 to Cook et al.). The rejection is respectfully traversed because all the limitations of the claims are not shown to be suggested by the cited references and the alleged motivation for combining the references is improper.

Claim 1 includes limitations of accessing a first application at the first DPS by a first one of the plurality of EFTPOS terminals via a non-payment application executing on the server. These limitations are not suggested by Jenkins and Cook as alleged. Jenkins teaches providing products via an EFTPOS terminal, and Cook appears to teach a system that provides a central repository of consumer charge card information (col. 1, l. 62) which is used to obtain a charge authorization (col. 2, l. 4-6). After a transaction is approved, Cook’s system provides the merchant with approval and shipping information (col. 2, l. 28-30). Thus, Cook does not teach a “non-payment application executing on the server” through which the first application at the first DPS is access by an EFTPOS terminal.

Similarly, the limitations of selecting a product via the non-payment application and offered by the first application on the first DPS are not shown to be suggested by the combination. Jenkins shows selecting a product. However, the specific limitations indicate that in the claimed invention, the product is selected by via the non-payment application on the server and offered by the first application. As explained above, Jenkins does not suggest the claimed non-payment application on the server, and White’s teachings suggest a charge authorization system on a server. Thus, the cited teachings of Jenkins and White teach away from the present invention. That is, the combination apparently teaches a payment application on a server.

The Jenkins-Cook-White combination does not suggest all the limitations related to the transmitting and display of the advertising information. The claim is more limited than just displaying advertising information. The limitations make clear that the first DPS transmits the advertising information to an EFTPOS terminal and also provides for selection of a product with a first application on the DPS by way of the non-payment application on the server. Thus, the claimed method provides the combination of advertising at an EFTPOS terminal, product selection via non-payment applications on a server between the EFTPOS terminal and the DPS, and payment services at the EFTPOS terminal via the payment application on the server. The combination of references neither teaches nor suggests this particular combination of limitations.

The alleged motivation for combining the advertising of White with Jenkins vending device is improper. The alleged motivation states that "it would have been obvious ... to modify Jenkins et al. with advertisements taught by White et al., because advertisements generate potential consumer interest in products or services, wherein increasing the likelihood of a consumer purchasing the advertised product or service." No evidence is presented to support the alleged motivation, and Jenkins' device/system already provides product information by way of a dedicated catalogue device through which a user can display information about the products in the catalog (col. 2, l. 1-13). Thus, Jenkins has no apparent need for advertising information because product information is already available in the catalog. Furthermore, no evidence is presented to support the assertion that users of Jenkins' invention would be any more likely to purchase products with advertising present in Jenkins' system versus Jenkins' system having the product information in a database.

The alleged motivation for combining Cook's transaction authorization system with the Jenkins-White combination is improper. The alleged motivation states that "it would have been obvious ... to modify Jenkins et al. with a proxy security system as taught by Cook et al., because secure transactions are desired by consumers, wherein consumers are less likely to suffer identity theft when security features are added an electronic transaction." No evidence is presented to support the alleged motivation, and Jenkins' device/system already provides encryption of data between a host and a catalog device (FIG. 7, col. 10, l. 26-42). Thus, Jenkins has no apparent need for the

additional security provided by Cook. Furthermore, no evidence is presented to support the assertion that Jenkins' invention would be any more secure with Cooks proxy server versus Jenkins' system without the proxy server.

Claims 4-6 and 23-29 include further limitations that are not addressed by the Office Action and that do not appear to be suggested by the cited references.

The rejection of claims 1, 4-6, and 23-29 over the Jenkins-White-Cook combination should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination and fails to provide a proper motivation for combining the references.

The Office Action fails to establish that claim 3 is unpatentable under 35 USC §103(a) over the Jenkins-White-Cook combination in further view of "Bertina" (US patent number 6,145,739 to Bertina et al.). The rejection is respectfully traversed because all the limitations of the claims are not shown to be suggested by the cited references and the alleged motivation for combining the references is improper.

Claim 3 includes limitations of establishing a wireless communications link via a mobile communications device with the server before the step of accessing the first DPS, wherein the product is selected from the first DPS via the mobile communications device. It is respectfully submitted that Bertina teaches wireless communications between the EFTPOS and a host. There is no suggestion of the claimed wireless communication with the specifically claimed server (with the processing of the server's non-payment and payment applications). Thus, the limitations of claim 3 are not suggested by the Jenkins-White-Cook-Bertina combination. Furthermore, the alleged motivation for combining Bertina with the Jenkins-White-Cook combination is not supported by evidence.

The rejection of claim 3 over the Jenkins-White-Cook-Bertina combination should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination and fails to provide a proper motivation for combining the references.

Withdrawal of the rejection and reconsideration of the claims are respectfully requested. If any additional extension of time is required beyond 2 months set forth in the accompanying petition, please consider this a petition for a sufficient number of

months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.040PA).

Respectfully submitted,

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